

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LYON FINANCIAL SERVICES, INC. d/b/a  
USBANCORP MANIFEST FUNDING SERVICES,

Plaintiff,

No. 08 CIV. 6054 (KMK)

vs.

**ANSWER**

BANNER PHYSICIANS CAPITAL, INC. et al.,

Defendants.  
-----X

Defendants Ganga Mukkavilli and Metro Medical Supplies, Inc. (collectively, "Defendants"), by their attorneys Troutman Sanders LLP, for their answer to the Complaint, state as follows:

1. Admit the allegations of the first sentence of paragraph 1. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence of paragraph 1.
2. Admit the allegations of paragraph 2.
3. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence of paragraph 3.
4. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence of paragraph 4.
5. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence of paragraph 5.
6. Deny the allegations of paragraph 6, except admit that Defendant Metro Medical Supplies, Inc. is a corporation organized and existing under the laws of the State of New York.

7. Deny the allegations of paragraph 7, except admit that Defendant Ganga Mukkavilli is the President and owner of Defendant Metro Medical Supplies, Inc.

**FIRST CAUSE OF ACTION**

8. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8.

9. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9.

10. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10.

11. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11.

12. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12.

13. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13.

14. Deny the allegations in the first clause of paragraph 14. Lack knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of paragraph 14.

15. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15.

16. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16.

17. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17.

18. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18.

### **SECOND CAUSE OF ACTION**

19. In response to paragraph 19, Defendants repeat and reallege their answers to paragraphs 8 through 18 as if fully set forth herein.

20. Aver that the allegations of paragraph 20 state a conclusion of law as to which no response is required.

21. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21.

22. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22.

23. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23.

### **THIRD CAUSE OF ACTION**

24. In response to paragraph 24, Defendants repeat and reallege their answers to paragraphs 8 through 23 as if fully set forth herein.

25. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25.

26. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26.

27. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23.

**FOURTH CAUSE OF ACTION**

28. In response to paragraph 28, Defendants repeat and reallege their answers to paragraphs 8 through 27 as if fully set forth herein.

29. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 29.

30. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 30.

31. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31.

32. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32.

**FIFTH CAUSE OF ACTION**

33. Deny the allegations of paragraph 33, except admit that Defendant Muckavilli is President and owner of Defendant Metro Medical Supplies, Inc.

34. Deny the allegations of paragraph 34, except admit that Defendant Muckavilli is a Certified Public Accountant.

35. Deny the allegations of paragraph 35.

36. Deny the allegations of paragraph 36.

37. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 37.

**SIXTH CAUSE OF ACTION**

38. Deny the allegations of paragraph 38.

39. Lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 39.

**FIRST AFFIRMATIVE DEFENSE**

40. The Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

41. The Complaint fails to plead fraud with particularity in accordance with Fed. R. Civ. P. Rule 9(b).

WHEREFORE, Defendants Ganga Mukkavilli and Metro Medical Supplies, Inc. demand judgment dismissing the Complaint with prejudice and awarding Defendants the costs of this action, including reasonable attorney's fees, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
August 25, 2008

TROUTMAN SANDERS LLP

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